

Rule 23A: Standard Parenting Time Guidelines

23A.01 In General

The Court strongly encourages parents to create their own cooperative parenting time schedules tailored to the specific needs of their children, the parents' respective work hours, and the collective needs of each household. To help create a workable schedule, parents are urged to read "Planning for Parenting Time: Ohio's Guide for Parents Living Apart," available on the Domestic Relations website at www.lakecountyoohio.gov/dr. There are sample parenting time schedules in the guide.

For parents who are unable to agree on a parenting schedule, the Court sets forth in this Rule a plan to ensure the minor children have frequent and consistent contact with both parents.

The Court's plan reflects:

- (1) The preservation and development of a close relationship between the children and each parent; and,
- (2) Consideration of the changing developmental needs of the children.

If parents cannot agree on their own plan or the Court's plan due to objections because of special circumstances (such as travel time, work requirements, substance abuse, mental illness, or violence), the parents must be prepared to present specific facts in a hearing for a proposed plan which considers the best interests of the children, not the parents.

23A.02 Infants: 0 – 2 Months

For infants younger than two months of age, the nonresidential parent may spend time with the infant in the residential parent's home three days per week, for two hours per visit. If the parents cannot agree as to days and times, the following schedule shall be followed: the nonresidential parent shall have parenting time each Sunday from 2:00 p.m. to 4:00 p.m., and each Tuesday and Thursday evening, from 6:00 p.m. to 8:00 p.m.

23A.03 Infants: 2 Months – Age 2

Commencing at age two months, parenting time can be at the nonresidential parent's residence.

(A) Beginning at two months, and extending through 12 months, the nonresidential parent shall spend time with the children at his or her residence every Tuesday and Thursday evening from 5:30 p.m. to 8:30 p.m., and one day each weekend, alternating between Saturday and Sunday, from 10:00 a.m. to 6:00 p.m.

(B) From 13 months through 23 months, the nonresidential parent shall spend time with the children as follows: every Tuesday and Thursday evening from 5:30 p.m. to 8:30 p.m., and on alternating weekends, from Saturday at 10:00 a.m. to Sunday at 6:00 p.m.

(C) **Holidays:** In even-numbered years, the nonresidential parent shall spend time with the children from 10:00 a.m. to 6:00 p.m. on Easter, July 4th, Labor Day, and Christmas Day, and the residential parent shall spend time with the children on President's Day, Memorial Day, Thanksgiving, and Christmas Eve.

In odd-numbered years, the nonresidential parent shall spend time with the children from 10:00 a.m. to 6:00 p.m. on President's Day, Memorial Day, Thanksgiving, and Christmas Eve, and the residential parent shall spend time with the children on Easter, July 4th, Labor Day, and Christmas Day.

In even-numbered years, the residential parent shall spend time with the children beginning at 5:00 p.m. on New Year's Eve to 11:00 a.m. on New Year's Day, and in odd-numbered years, the nonresidential parent shall spend time with the children from 5:00 p.m. on New Year's Eve to 11:00 a.m. on New Year's Day.

(D) **Older Siblings:** If there are older brothers and sisters of an infant child, the parenting time, including holidays, set forth below for children ages two years through 12 years shall govern infant visitation, once the infant is two months old.

23A.04 Children: Age 2 – 12

The nonresidential parent (NR) shall have the following parenting times in a two week period:

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Week 1:		NR Overnight to Tuesday Morning				NR Overnight	NR Overnight
Week 2:	NR Overnight to Monday Morning			NR Overnight to Thursday Morning			

(A) **Weekends:** Alternate weekends beginning Friday at 6:00 pm and ending Monday morning either at the drop-off of the children at school or day care, or to the other parent by 9:00 a.m., if the children are not attending school or day care.

(B) **Weekdays:** Every Wednesday following the nonresidential parent's weekend parenting time (or any other day by agreement) from after school until Thursday morning, either at the drop-off of the children at school or day care, or to the other parent by 9:00 a.m., if the children are not attending school or day care.

Every Monday, following the residential parent's weekend parenting time, (or any other day by agreement) from after school until Tuesday morning, either at the drop-off of the children at school or day care, or to the other parent by 9:00 a.m., if the children are not attending school or day care.

(C) Holiday Parenting Time:

<u>Holiday</u>	<u>Even-Numbered Years</u>	<u>Odd-Numbered Years</u>	<u>Time Period</u>
President's Day	Father	Mother	9:00 a.m. to 7:00 p.m.
Easter	Father	Mother	9:00 a.m. to 7:00 p.m.
Memorial Day	Mother	Father	9:00 a.m. to 9:00 p.m.
July 4 th	Father	Mother	July 4 th at 9:00 a.m. to July 5 th at 9:00 a.m.
Labor Day	Mother	Father	9:00 a.m. to 9:00 p.m.
Halloween	Mother	Father	4:00 p.m. to 9:00 p.m.
Thanksgiving	Father	Mother	9:00 a.m. to 9:00 p.m.*
Christmas Eve	Mother	Father	10:00 a.m. on 12/24 to 10:00 a.m. on 12/25
Christmas Day	Father	Mother	10:00 a.m. on 12/25 to 10:00 a.m. on 12/26
New Year's Eve/Day	Mother	Father	5:00 p.m. on 12/31 to 11:00 a.m. on 1/1
New Year's Day	Father	Mother	11:00 a.m. to 7:00 p.m.

*Unless the weekend following is that parent's regularly-scheduled weekend, in which case the parenting time shall continue through that parent's regularly-scheduled weekend.

(D) Spring Break:

In even-numbered years, the residential parent shall have parenting time during Spring Break, and in odd-numbered years the nonresidential parent shall have parenting time during Spring Break. If Easter falls during Spring Break, the parent having the children for Spring Break shall have the children for Easter. If Easter does not fall during Spring Break, the parents shall alternate Easter according to the schedule above.

(E) Winter Break:

Winter Break shall be divided equally between the parents. In even-numbered years, the residential parent shall have parenting time with the children during the first half, and the nonresidential parent shall have parenting time with the children during the second half of Winter Break. In odd-numbered years, the nonresidential parent shall have parenting time with the children during the first half and the residential parent shall have parenting time during the second half of Winter Break. Winter Break begins at 6:00 p.m. on the last day of school and ends at the drop-off of the children at school after the last day of Winter Break. Christmas Eve, Christmas Day, New Year's Eve, and New Year's Day shall not be included in calculating the equal number of days to which each parent is entitled.

(F) Days of Special Meaning:

Father's Day shall be spent with Father; Mother's Day shall be spent with Mother. Parenting time shall be from 9:00 a.m. to 6:00 p.m., or as otherwise agreed.

The child's birthday shall be spent with the parent who has regularly-scheduled parenting time on that day.

(G) Extended Summer Parenting Time, Summer Vacations, and Travel: Each parent shall have half of the children's summer vacation, provided that the last full week shall be spent with the residential parent. Parenting time shall occur on a one week on, one week off basis, beginning at 6:00 p.m. on Sunday and extending until the following Sunday at 6:00 p.m. Weekly parenting time with the nonresidential parent shall begin on the first full week following the last day of school.

Each parent is entitled to a two week period of uninterrupted parenting time with the minor children each summer. In even-numbered years, the Mother shall have the first choice and shall choose her two week uninterrupted parenting time by advising the Father of that time period on or before May 1st of that year. In odd-numbered years, the Father shall have the first choice and shall choose his two week uninterrupted parenting time by advising the Mother of that time period on or before May 1st of that year. Neither parent shall have more than a two week, or fourteen day, period of uninterrupted parenting time during the summer.

For any vacation or holiday travel, each parent must provide the other parent with information about the destination, times of arrival and departure, and methods of travel. If there are children in different age brackets, the provisions for the oldest age bracket shall apply to all children, except that there shall be no extended parenting time or vacation time for a child under two years of age.

If summer school is necessary for a child to pass to the next grade, the child is required to attend summer school classes. Parents may schedule summer extended parenting time during a mandatory summer school period, but the child must attend all classes.

Child support will *NOT* be reduced during summer vacation periods specified in this provision.

23A.05 Teenagers: Age 13 – 18

(A) The nonresidential parent's regular parenting time on alternating weekends, midweek, and during holidays, as well as extended time during the summer months described in Loc. R. 23A.04 shall apply to teenagers. Parents are urged to understand a child's normal social development during these sensitive years, when the teenager normally spends less time with either parent.

(B) In exercising parenting time with a teenager, the nonresidential parent shall make reasonable efforts to accommodate a teenager's participation in the teenager's academic, extracurricular, and social activities.

23A.06 Rules Regarding Parenting Time

(A) **Conflicting Schedules:** In the event of any conflict between parenting time schedules, the following is the order of priority:

- (1) Holidays;
- (2) Vacation periods or extended parenting times; and,
- (3) Weekends and mid-week days.

For example, one parent may not schedule his or her summer vacation to include July 4th if July 4th is the other parent's holiday that year. As another example, the residential parent may be entitled to have the children on the Easter holiday, even though it falls on the nonresidential parent's alternating weekend. In this case, the nonresidential parent's weekend shall conclude at 6:00 p.m. on Saturday evening.

(B) **Illness:** It is expected that the parents will follow the parenting time schedule despite any illness of the children, unless both parents agree that this would not be advisable due to the children's condition or contagiousness.

Both parents should use common sense as to a sick child and be sensitive to the child's needs. In the event that a child is ill, medications and instructions for special care shall travel with the child. Each parent should notify the other, as soon as reasonably possible, of any diagnosis, injury, or treatment, as well as the name, address, and phone number of all treatment facilities and medical professionals involved.

Any weekend parenting time that is missed due to the illness of a child shall be made up the following weekend or as the parents may mutually agree. The residential parent shall promptly notify the nonresidential parent of the child's illness prior to the exercise of parenting time. The Court does not expect parents to abuse the intent of this Rule and interfere with the nonresidential parent's time with the children.

(C) **Telephone and Mail:** Each parent may have reasonable telephone contact with the children during the other parent's parenting time, not to exceed once a day between the hours of 7:00 a.m. and 9:00 p.m. If the children are not available, the children should return the telephone call.

Each parent shall encourage free communication between the children and the other parent, and shall not do anything to impede or restrict reasonable communication by telephone, mail, or email between the children and the other parent, whether initiated by the children or the other parent. Parents need to be aware that older children and teens text rather than having

telephone conversations. Any mail or email between the children and either parent shall be strictly confidential and shall not be opened or read by the other parent.

(D) **Cooperation:** Both parents shall refrain from criticizing the other parent or arguing with the other parent in the presence of the children or where the children can overhear.

(E) **Exchange of Phone Numbers:** Each parent must, unless the Court orders otherwise, keep the other parent informed of his or her current telephone number and a telephone number where the children may be reached. This includes the parents' cell phone numbers.

(F) **Grace Period:** The transporting parent for parenting time shall have a grace period of 15 minutes for pick-up and delivery, if both parents live within 30 miles of each other. If the one-way distance to be traveled is more than 30 miles, the grace period shall be 30 minutes.

In the event that one parent exceeds the grace period, that period of parenting time is forfeited, unless prior notification and arrangements have been made. This rule does not apply in cases where the one parent lives in excess of 30 miles away and suffers an unavoidable breakdown or delay en route, and the parent promptly notifies the other parent by telephone of the delay.

Repeated violations by either parent shall be cause for granting a modification of the parenting order. Parents are to exercise common sense as to weather conditions, traffic accidents, and other unforeseen circumstances.

(G) **Transportation:** In the event that the parents are unable to reach an agreement regarding transportation, the parent receiving the children shall arrange transportation.

(H) **Clothing and Supplies for Children under Age Ten:** The residential parent shall send with the children on parenting time sufficient clothing and outerwear appropriate for the season and for any known, planned activities. For the weekend, this shall consist of a minimum of a coat and shoes appropriate for the weather, two extra sets of play clothes, one dress outfit, and underwear, in addition to the clothes the child is wearing at the time of the start of the weekend.

In the case of infants, the residential parent shall send with the children sufficient bottles, formula, and diapers, and shall inform the nonresidential parent of the child's sleeping and eating schedules.

The nonresidential parent shall return all items that are sent with the children at the end of the parenting time.

(I) **Children's Activities:** Scheduled periods of parenting time shall not be delayed or denied because a child has other activities (with friends, work, lessons, sports, etc.). Parents need to realize the significance of these activities in their children's lives, and flexibility is encouraged. It is the responsibility of the parents to discuss the children's extra-curricular activities in advance, including times, dates, and transportation needs, so that the children are not deprived of activities and maintaining friends. Each parent shall provide the other with copies of

any written material (i.e., activity schedules, maps, instructions) that are distributed in connection with the children's activities. The parent who has the children during the time of scheduled activities is responsible for transportation, attendance, or other arrangements. Both parents are encouraged to attend all of their children's activities.

23A.07 Conclusion

Parents are encouraged to allow for flexibility in the foregoing schedule to best suit the changing needs of the children and the employment schedules of the parents. However, absent an order of the Court, the parents shall follow the foregoing schedule, unless there is a clear, mutual understanding between parents to deviate. Any such deviation shall be in writing to document the parents' mutual understanding.

Rule 23B: Long-Distance Parenting Time Guidelines

23B.01 In General

The Court strongly encourages parents to create their own cooperative parenting time schedules tailored to the specific needs of their children, the parents' respective work hours, and the collective needs of each household. To help create a workable schedule, parents are urged to read "Planning for Parenting Time: Ohio's Guide for Parents Living Apart," available on the Domestic Relations website at www.lakecountyohio.gov/dr. There are sample parenting time schedules in the guide.

The long-distance parenting time schedule shall be used when parents reside more than 150 miles apart. For parents who are unable to agree on a parenting schedule, the Court sets forth in this Rule a plan to ensure the minor children have frequent and consistent contact with both parents.

The Court's plan reflects:

- (1) The preservation and development of a close relationship between the children and each parent; and,
- (2) Consideration of the changing developmental needs of the children.

If parents cannot agree on their own plan or the Court's plan due to objections because of special circumstances (such as travel time, work requirements, substance abuse, mental illness, or violence), the parents must be prepared to present specific facts in a hearing for a proposed plan which considers the best interests of the children, not the parents.

23B.02 Summer Parenting Time

(A) For Children Age Four and Older: For children age four and older, the nonresidential parent shall have parenting time either the greater of seven weeks or half of the school summer vacation. School summer vacation is defined as beginning the day after the last day the children attend school, and ending the day before school reconvenes. If the children are

not yet of school age, summer vacation will be based on the public school calendar of the district in which the residential parent resides.

The residential parent shall notify the nonresidential parent by March 15th of each year of the dates school summer vacation begins and ends. The nonresidential parent must notify the residential parent in writing by April 30th of each year of the summer parenting time dates. The nonresidential parent's summer parenting time shall not be exercised during the last week before school reconvenes unless agreed by the parents in writing or ordered by the Court.

(B) For Children under Age Four: Summer parenting time for children under the age of four shall be as agreed by the parents in writing or by order of the Court. In considering parenting time for children in this age group, parents should consider the children's age and development, maturity, emotional attachment to each parent, attachment to any siblings and whether or not those siblings are involved in the same parenting time, the degree of familiarity and comfort the children have with the nonresidential parent, and any other relevant factors.

(C) For Children under Age Four with Older Siblings: If a child under the age of four has older siblings, the parenting time shall be scheduled to coincide with the older siblings.

23B.03 Holiday Parenting Time for the Nonresidential Parent

(A) For Children Age Four and Older: The nonresidential parent shall have parenting time during:

- (1) Spring breaks in even years and Thanksgiving in odd years;
- (2) One-half of the Christmas break, including Christmas Day in even years; and,
- (3) One-half of the Christmas break, excluding Christmas Day in odd years.

Thanksgiving, Christmas, and Spring breaks are defined by the school calendar in the district where the residential parent resides, unless the parents agree otherwise in writing.

Father's Day shall be spent with Father and Mother's Day shall be spent with Mother whenever suitable transportation arrangements can be made. Parenting time shall be from 9:00 a.m. to 6:00 p.m., or as otherwise agreed.

By October 1 of each year, the residential parent shall notify the nonresidential parent in writing as to the dates of Thanksgiving, Christmas, and Spring breaks in the school district where the residential parent resides.

By November 1 of each year, the nonresidential parent shall notify the residential parent in writing as to the following:

- (1) Whether parenting time will be exercised;
- (2) What the travel arrangements will be;

(3) When the children need be ready for departure; and,

(4) When the children will be returned.

Thanksgiving, Christmas, and Spring breaks begin at 6:00 p.m. the day school ends and end at 6:00 p.m. the day before school reconvenes. Reasonable deviations from these hours shall be made as appropriate to accommodate travel schedules that are not within a parent's control, such as airline or other public transportation schedules.

(B) For Children under Age Four: Holiday parenting time for children under the age of four shall be as agreed by the Parties in writing, or by order of the Court. In considering parenting time for children in this age group, parents should consider the children's age and development, maturity, emotional attachment to each parent, attachment to any siblings and whether or not those siblings are involved in the same parenting time, the degree of familiarity and comfort the children have with the nonresidential parent, and any other relevant factors.

23B.04 Weekend Parenting Time for the Nonresidential Parent

(A) For Children Two Years Old and Older: Parenting time shall be permitted once per month, if travel time for the minor children is no more than three hours one way. The nonresidential parent must notify the residential parent at least one week in advance if that parent intends to exercise weekend parenting time.

(B) For Children under Age Two: All parenting time for children under age two shall be as agreed by the Parties in writing, or by order of the Court. In considering parenting time for children in this age group, parents should consider the children's age and development, maturity, emotional attachment to each parent, attachment to any siblings and whether or not those siblings are involved in the same parenting time, the degree of familiarity and comfort the children have with the nonresidential parent, and any other relevant factors. As much as possible, parents should strive to achieve parenting time similar to that provided for this age group in the local standard parenting time schedule.

23B.05 Other Parenting Time for the Nonresidential Parent

(A) The nonresidential parent shall notify the residential parent at least two days in advance of any time the nonresidential parent will be in the area and wants a parenting time period. Absent extraordinary circumstances, parenting time shall occur in a manner appropriate to the children's age and development.

(B) The residential parent shall notify the nonresidential parent at least two days in advance when the residential parent and the minor children will be in the area of the nonresidential parent, and parenting time shall be permitted in a manner appropriate to the children's age and development.

23B.06 Rules Regarding Parenting Time

(A) **Audio/Visual Communication:** Each parent has the right to audio and visual communication (if available) with the children as often as the parents agree. If the parents do not agree, then the nonresidential parent should have these privileges at least twice per week. In addition, a parent may contact children once during a scheduled or agreed parenting time period that is missed. The residential parent has the right to contact children when on vacation with the nonresidential parent as the parents agree. If there is no agreement, then the residential parent has audio/visual communication privileges up to twice per week.

Communications should be made during the normal hours the children are awake, and if the children are unavailable for conversation, each parent shall take the responsibility of seeing that the children timely return the calls. Any time the children are with one parent, the children shall be permitted to communicate with the other parent. Any long distance calls made by children to a parent shall be collect unless the other parent agrees otherwise.

(B) **Vacations away from Home:** Whenever either parent takes the children on vacation away from that parent's home, that parent shall notify the other parent at least 14 days in advance, in writing, and provide the other parent with a written agenda indicating the vacation destination, phone numbers where the parent and children can be reached, times of arrival and departure, and method of travel.

(C) **Support of Parenting Time:** If children indicate strong opposition to being with the other parent, it is the responsibility of each parent to appropriately deal with the situation. Each parent shall calmly talk to the children as to the children's reasons, and shall work with the other parent to do what is in the children's best interests, and avoid confrontation or unpleasant scenes. If the matter is not settled, either parent should seek the immediate assistance of a mental health professional or file a motion. As uncomfortable as this issue may be for a parent, this issue should not go unresolved. It is the absolute affirmative duty of the residential parent to make certain that the children go to the nonresidential parent for the parenting time period.

(D) **Address and Telephone Numbers:** Unless the Court orders otherwise, each parent must keep the other informed of his or her current residence address and telephone number, and an alternate telephone number in the event of an emergency. A P.O. Box or other address that is used for mail but is not the actual residence does not satisfy this requirement. If mail is only received at a P.O. Box address, that address must also be provided.

(E) **Access to School and Medical Records, Day Care Records, and Student Activities:** According to Ohio Revised Code Sections 3109.051(H), (I), and (J), the nonresidential parent is entitled to access, under the same terms and conditions under which access is provided to the residential parent, to any record related to the children, and any student activity related to the children, or any public school, private school, or day care that is, or in the future may be, attended by the children.